

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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ELROY JOHNSON, PRO SE, §  
TDCJ-CID No. 1375276, §  
Previous TDCJ-CID No. 1085359, §  
Previous TDCJ-CID No. 1245097, §  
§  
Plaintiff, §  
§  
v. § 2:12-CV-0113  
§  
GREGORY C. BOLAND, Captain of §  
Correctional Officer; GREGORY S. DAVID, §  
Assistant Warden; and §  
WILLIAM C. GING, Counsel Substitute I, §  
§  
Defendants. §

**ORDER OF DISMISSAL**

Plaintiff ELROY JOHNSON, while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and has been granted permission to proceed *in forma pauperis*.

On May 31, 2012, a Report and Recommendation was issued by the United States Magistrate Judge analyzing plaintiff's claims and recommending the instant cause be dismissed with prejudice as frivolous and for failure to state a claim on which relief can be granted.

Plaintiff filed his Objections on June 12, 2012.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the Objections filed by the plaintiff.

The Court is of the opinion that the objections of the plaintiff should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by ELROY JOHNSON is DISMISSED WITH PREJUDICE AS FRIVOLOUS AND FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

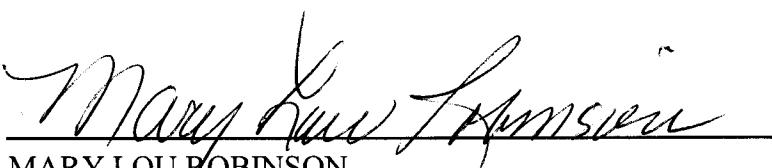
LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record.

The Clerk shall also provide a copy of this order by regular mail, facsimile transmission, or e-mail to: (1) the TDCJ—Office of the General Counsel, P.O. Box 13084, Austin, Texas, 78711, Fax Number (512) 9362159; (2) the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, fax: 936-437-4793; and (3) the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Manager of the Three-Strikes List.

IT IS SO ORDERED.

Signed this the 21st day of June, 2012.

  
MARY LOU ROBINSON  
United States District Judge